

To: Tuers, Charis[ctuers@blm.gov]
Cc: Russ, Timothy[Russ.Tim@epa.gov]
From: Jackson, Scott
Sent: Thur 2/18/2016 9:57:34 PM
Subject: RE: Conformity Question for the UGRB

Hi Charis,

Thank you for providing responses to our questions and assumptions, that was quite helpful. Based on your responses, we have given consideration to your questions from your email attached further below which were:

Refer to BLM

EPA Response and Interpretation:

The EPA reviewed the Wyoming DEQ's WAQSR Chapter 8, Section 3 which addresses general conformity requirements in the UGRB (see: 78 FR 49685, August 15, 2013.)

Our interpretation is that as the EA under consideration is a new Federal action because the BLM is considering whether to approve new activities in the nonattainment area. If approved, the approval would remove existing conditions that restrict emissions during a certain time period and area, and would allow emissions year-round in this area. Therefore, under the scenario contemplated in the EA, a general conformity evaluation (and as necessary, conformity determination) is required. The evaluation needs to address both the total of direct and indirect annual emissions from the year-round drilling of the wells covered by the EA in the restricted area, and the reasonably foreseeable emissions from Federal actions in the Jonah Infill Development Project (JIDP) portion of the UGRB ozone nonattainment area (e.g., APDs that have been issued and will continue to be issued in the JIDP on an annual basis). Please see WAQSR Chapter 8, Section 3(b) "Definitions" and Section 3(c) "Applicability."

Our above interpretation is based upon our review of the below referenced documents:

A.) The JIDP March 14, 2006 Record of Decision (ROD):

<http://www.blm.gov/style/medialib/blm/wy/information/NEPA/pfodocs/jonah.Par.2901.File.dat/00rod.pdf>

Please note that our understanding is that the boundaries of the JIDP are as presented in: Figure 1 (page 2) from the ROD for the Jonah Infill Drilling Project Environmental Impact Statement Sublette County, Wyoming (March 14, 2006).

B.) The FY2006 JIDP Final Environmental Impact Statement (FEIS):

<http://www.blm.gov/wy/st/en/info/NEPA/documents/pfo/jonah.html>

Again, thank you for the opportunity to review and discuss general conformity issues with the EA that your office is evaluating. Please let us know if you have any questions and too, if you would like to arrange a conference call to discuss our general conformity interpretation presented above.

Thanks,
Scott

Scott Jackson, Unit Chief

Indoor Air, Toxics and Transportation Unit
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From: Tuers, Charis [mailto:ctuers@blm.gov]

Sent: Monday, February 08, 2016 11:24 AM

To: Jackson, Scott <Jackson.Scott@epa.gov>
Cc: Russ, Timothy <Russ.Tim@epa.gov>
Subject: Re: Conformity Question for the UGRB

Refer to BLM

Charis A. Tuers

Air Resource Specialist

Bureau of Land Management

Wyoming State Office

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On Fri, Feb 5, 2016 at 12:15 PM, Jackson, Scott <Jackson.Scott@epa.gov> wrote:

Hi Charis,

The purpose of this email is to respond to your questions that were discussed with Tim Russ, of my staff, and as presented in your email of January 20, 2016 (hereafter “BLM email”) attached further below. We appreciate your sending us an email for us to better understand and respond to your questions.

We offer following responses below along with a request for the BLM to confirm, or correct as appropriate, our assumptions used to facilitate our responses. Please also note where we ask for additional information and/or clarification; once we hear back from you we'll provide further responses to your questions.

1.) EPA Observation: Based on the following statement in the BLM email, the Jonah Infill Development Project (JIDP) FEIS and ROD were apparently completed before the UGRB was designated nonattainment for the 2008 8-hour National Ambient Air Quality Standard (NAAQS):

Refer to BLM

EPA Response: Based on the above, EPA assumes that as the area was considered attainment at that time and there was no general conformity analysis or determination prepared by the BLM for the JIDP EIS or ROD. EPA requests that BLM confirm this assumption so as to rule out the possibility that the BLM perhaps did a subsequent general conformity analysis for the whole JIDP after the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS.

Refer to BLM

2.) EPA Observation: We note that the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS effective on July, 20, 2012 (see 77 FR 30088, May 21, 2012); therefore, the general conformity requirements applied to the UGRB on July 20, 2013. Based on the below statement in the BLM email, it is our understanding that likely no overall general conformity analysis and determination (as appropriate) was ever prepared JIDP. Therefore, as the BLM issues an APD for drilling in the JIDP (as considered a Federal Action), subsequent to the time the UGRB was designated nonattainment, the BLM has apparently been evaluating general conformity for each APD:

Refer to BLM

EPA Response: It would help our understanding of the process if the BLM could explain how the general conformity evaluations were prepared for the APDs in the JIDP (i.e., methodology, assumptions, emissions sources, number of wells authorized by each APD, etc.).

Refer to BLM

EPA Response: In order to accurately respond to the BLM's general conformity questions, the EPA requests that the BLM please review, clarify and/or correct the following EPA assumptions:

a.) **Assumption:** The BLM is treating this EA as a new Federal action, and the BLM will not be supplementing the original JIDP EIS or ROD.

Refer to BLM

b.) **Assumption:** Drilling authorized under current APDs, derived from the JIDP EIS and ROD, in the JIDP would continue.

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c.) **Assumption:** BLM is evaluating the operators' request through an EA that would allow year-round drilling of new development wells. In effect, the EA may be interpreted so as to also revise existing APDs in the JIDP and allow the operators to drill year-round, removing the March through June drilling restriction.

Referred to BLM

Once we hear back from you we'll be pleased to provide a response to your questions. Thank you for the opportunity to review and discuss general conformity issues with the EA that your office is evaluating. Please let us know if you have any questions and too, if you would like to arrange a conference call to address any of the points presented above .

Thanks,

Scott

Scott Jackson, Unit Chief

Indoor Air, Toxics and Transportation Unit
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From: Tuers, Charis [<mailto:ctuers@blm.gov>]
Sent: Wednesday, January 20, 2016 2:17 PM
To: Russ, Timothy <Russ.Tim@epa.gov>
Subject: Conformity Question for the UGRB

Refer to BLM

Refer to BLM

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